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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,926	12/05/2001	Carl P. Gusler	AUS920011005US1	9814
7590 08/18/2006			EXAMINER	
Kelly K. Kordzik 5400 Renaissance Tower 1201 Elm Street Dallas, TX 75270			SALCE, JASON P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/004,926		GUSLER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Jason P. Salce		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 31-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/05/01</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/05/2001 was filed on the filing date of the instant application on 12/05/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

### ***Election/Restrictions***

2. Claims 31-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species II, with there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/11/2006.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-5, 11-15 and 21-25 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Burnhouse et al. (U.S. Patent Application Publication 2002/0056104).

Referring to claim 1, Burnhouse discloses receiving broadcast signals for a plurality of television stations (see Figures 3-4 and Paragraph 0024).

Burnhouse also discloses displaying one or more folders associated with one or more classifications for said plurality of television stations on a display (see Figures 9-10 and Paragraph 0057), wherein each of said one or more folders comprises one or more indications associated with one or more television stations (see Paragraph 0062).

Referring to claim 2, Burnhouse discloses determining whether said broadcast signals include tags for associating each of said plurality of television stations with one or more classifications (see Paragraph 0035 and Figure 3 for each program signal carrying different types of tags for category, subcategory, etc.).

Referring to claim 3, Burnhouse discloses that if the broadcast signals include said tags then comparing said tags with a list of one or more classifications associated with said plurality of television stations (see Paragraphs 0036 and 0040).

Referring to claim 4, Burnhouse discloses that folders are displayed according to a base set if there are no differences between said list of one or more classifications associated with said plurality of television stations and said tags (see Paragraph 0041

and Figure 5 for creating a folder EPG based on the category tag of the program (Figure 3) and that if a first and second program has a category sports, both the first and second program will be categorized in the sports folder).

Referring to claim 5, Burnhouse discloses that if there are differences between said list of one or more classifications associated with said plurality of television stations and said tags (i.e. a new category has been determined) then the list of one or more classifications associated with said plurality of television stations is updated and a new base set is created (see Paragraph 0036 and note that if a category tag is found in a program that has not been set as a category that according to the process described in Paragraph 0036 and Figure 4, a new category/base set will be created and associated indications to television program will be stored therein).

Burnhouse also discloses displaying one or more folders associated with one or more classifications for said plurality of television stations on said display according to said new base set (see Figures 9-10).

Referring to claims 11-15, see the rejection of claims 1-5, respectively.

Referring to claims 21-25, see the rejection of claims 1-5, respectively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9, 16-19 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnhouse et al. (U.S. Patent Application Publication 2002/0056104) in view of Rashkovskiy (U.S. Patent Application Publication 2004/0034867).

Referring to claim 6, Burnhouse discloses all of the limitations in claim 2, as well as said one or more folders associated with said one or more classifications for said plurality of television stations on said display (see Figures 9-10), but is silent as to displaying folders according to a base set if said broadcast signals do not include tags.

Rashkovskiy teaches an additional method of organizing channels by folders manually in accordance with user inputs (see Figure 6). Specifically, Rashkovskiy allows a user to manually create a favorites folders by manually entering the programs he/she likes instead of organizing the programs by category according to incoming tags (see Paragraph 0020), therefore the favorites folder is displayed according to a base set if said broadcast signals do not include said tags.

At the time the invention was made, it would have been obvious to modify the folder categorization procedure, as taught by Burnhouse, to include the manual favorites categorization procedure, as taught by Rashkovskiy, for the purpose of better organizing the available content for easier selection and viewing (see Paragraph 0006 of Rashkovskiy).

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Referring to claim 7, Burnhouse discloses all of the limitations in claim 1, but is silent as to receiving an input to add a particular folder and adding said particular folder.

Rashkovskiy teaches that each fold can be user definable (see Paragraph 0014 and Figure 6).

At the time the invention was made, it would have been obvious to modify the folder categorization procedure, as taught by Burnhouse, to include the manual categorization procedure, as taught by Rashkovskiy, for the purpose of better organizing the available content for easier selection and viewing (see Paragraph 0006 of Rashkovskiy).

Referring to claim 8, see the rejection of claim 6.

Referring to claim 9, Burnhouse discloses all of the limitations in claim 1, as well as displaying a list of programs related to a selected category (see Paragraph 0062), but is silent as to selecting the program for display on the television.

Rashkovskiy discloses selecting a program in a category folder in order to tune to the television program and display the television program on the TV (see steps 58, 60 and 62 in Figure 6).

At the time the invention was made, it would have been obvious to modify the program display procedure, as taught by Burnhouse, to include the program selection procedure, as taught by Rashkovskiy, for the purpose of better organizing the available content for easier selection and viewing (see Paragraph 0006 of Rashkovskiy).

Referring to claims 16-19, see the rejection of claims 6-9, respectively.

Referring to claims 26-29, see the rejection of claims 6-9, respectively.

5. Claims 10, 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burnhouse et al. (U.S. Patent Application Publication 2002/0056104) in view of McKenna Jr. (U.S. Patent Application Publication 2003/0018971).

Referring to claim 10, Burnhouse discloses all of the limitations in claim 1, but fails to teach that said one or more indications comprise icons.

McKenna, Jr. discloses that selectable program indications can be represented by an icon (see Figure 8).

At the time the invention was made, it would have been obvious to modify the folder categorization procedure, as taught by Burnhouse, to include the manual favorites categorization procedure, as taught by McKenna Jr, for the purpose of providing convenient access to available programming within an entertainment system (see Paragraph 0009).

Referring to claim 20, see the rejection of claim 10.

Referring to claim 30, see the rejection of claim 10.

### ***Conclusion***



6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

August 16, 2004

A handwritten signature in black ink, appearing to read "Jason Salce", written in a cursive style.